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10/552,025	07/28/2006	Jobst Horentrup	PD030040	6896

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EXAMINER
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BELOUSOV, ANDREY

ART UNIT	PAPER NUMBER
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2174

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/552,025	<b>Applicant(s)</b> HORENTRUP ET AL.	
	<b>Examiner</b> ANDREY BELOUSOV	<b>Art Unit</b> 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This action is in responsive to the amendment of 5/12/2008. Claims 1-12 are pending and have been considered below.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 7-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Piroumian (Vartan Piroumian, Java™ GUI Development, the Authoritative Solution, Copyright (c) 1999 by Sams Publishing.)

**Claim 1, 2:** Piroumian discloses a method for decoding (mapping from Java Program to AWT, to Java VM, to Native System Libraries, to Window Manager, to Display; Fig. 2.1 page 19) a menu data segment, the method comprising the steps of

- a. detecting within the menu data segment (program application logic, pg. 12), data corresponding to a plurality of menu items belonging to a menu page (pg. 12, components, such as the JMenu, pg. 229 and JMenuItem, pg. 232 );
- b. extracting from the menu data segment for each menu item of the plurality of menu items at least first data defining whether the menu item is selectable (pg. 232: setEnabled) and second data defining whether the menu item has graphic representation data associated (JMenuItem(Icon icon), pg. 232);

- c. decoding data corresponding to first menu items to selectable display data (fig. 7.15, pg. 228), wherein the first menu items are menu buttons (pg. 228, 229, JRadioButtonMenuItem) and have graphic representation data associated (Fig. 7.15);
- d. decoding data corresponding to second menu items to non-selectable and visible display data, wherein the second menu items have graphic representation data associated (pg. 227, menu1.addSeparator(); Fig. 7.15); and
- e. decoding data corresponding to third menu items to selectable and invisible menu elements (pg. 232, JMenuItem(), "No-arg constructor. It creates a menu item with no defined text or icon), wherein the third menu items have no associated graphic representation data, and wherein the third menu items are menu buttons that are automatically activated upon selection (pg. 232, void setAccelerator(KeyStroke keystroke), "Set the KeyStroke object that represents the key combination which selects the menu item.)

**Claim 3, 9:** Piroumian discloses the method according to claim 1, wherein the menu data segment defines a multi-page menu (Fig. 7.14, pg. 225, "Menu 1", "Menu 2", "Menu 3"), and wherein the first menu items are displayed for at least one, but not for every menu page of the multi-page menu (Fig. 7.14, pg. 225, "Menu Item 1", "Menu Item 2"), and the menu data segment includes data defining for each menu page which of the first menu buttons is to be rendered visible on the display (pg. 227, top block of code; adding menu items.)

**Claim 4:** Piroumian discloses the method according to claim 1, wherein a first menu item may have one of the states unselected, selected or activated (pg. 225, selected, unselected; pg. 232, isArmed()), and wherein the second data extracted for each of the menu items enables defining that a menu item has graphic representation data (pg. 232, icons) for one of said states associated (e.g. unselected state, pg. 225) and stored within said menu data segment, but not for another of said states (Fig. 7.14.)

**Claim 7:** Piroumian discloses the method according to claim 1, wherein at least the data corresponding to said first and second menu items have the same data structure within said menu page (JMenuItem data structure, pg. 232.)

**Claim 8:** Piroumian discloses the method according to claim 1, wherein the first and the second menu items have associated display positions comprising a horizontal address and a vertical address (inherent feature as indicated by: page 2 of 42:

“BOTTOM\_ALIGNMENT, CENTER\_ALIGNMENT, LEFT ALIGNMENT, RIGHT ALIGNMENT, and TOP\_ALIGNMENT; page 5 of 13 JMenuItem: “setAlignmentX,” “setAlignmentY”, inherited from JComponent (page 19, 20 of 42)) and need not overlap (Fig. 7.14, 7.15.)

**Claim 10:** Piroumian discloses the apparatus for decoding according to claim 2, wherein a menu button may have one of the states unselected, selected or activated

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(pg. 225, selected, unselected; pg. 232, isArmed()), further comprising means for determining, based on second data, for each of the states of a menu button individually whether or not it has graphic representation data associated (pg. 232, Component GetComponent()).

**Claim 11:** Piroumian discloses apparatus for decoding according to claim 2, further comprising means for decoding for the selectable display data of the first menu items associated display positions (pg. 227, top code block directs the order of display, and hence the positions), and means for decoding for the non-selectable display data of the second menu items associated display positions (pg. 227, menu1.addSeparator()), wherein the display positions of the first and second menu items comprise a horizontal address and a vertical address (inherent feature as indicated by: page 2 of 42: "BOTTOM\_ALIGNMENT, CENTER\_ALIGNMENT, LEFT ALIGNMENT, RIGHT ALIGNMENT, and TOP\_ALIGNMENT; page 5 of 13 JMenuItem: "setAlignmentX," "setAlignmentY", inherited from JComponent (page 19, 20 of 42)) need not overlap (Fig. 7.15.)

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Piroumian in view of jlGui (jlGui, Java Music Player, version 2.1.1, April 1, 2002; <http://web.archive.org/web/20021012174158/www.javazoom.net/jlgui/sources.html>.)

**Claim 5, 12:** Piroumian discloses the method according to claim 1. However, Piroumian does not explicitly disclose wherein sound data are associated to a state of a menu button, the sound data and the menu data segment being read from the storage medium and being played back upon entry of the button into the associated state. jlGui discloses a Java Applet, wherein sound data are associated to a state of a menu button, the sound data and the menu data segment being read from the same storage medium and being played back upon entry of the button into the associated state (pg. 1.)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teaching of Piroumian and jlGui so as to provide sound data associated with a menu button for playback. One would have been motivated to combine the teaching of jlGui into Piroumian because jlGui uses the same Java Foundation Classes (JFC) as those used in examples in Piroumian without expounding on further the capabilities allowed by JFC (javax.sound package) as is shown in jlGui.

**Claim 6:** Piroumian discloses the method according to claim 1. However, Piroumian does not explicitly disclose wherein the menu controls playback of audio-visual data stored on the same storage medium as the menu data segment. jlGui discloses a Java

Applet, wherein the menu controls playback of audio-visual data stored on the storage medium as the menu data segment (pg. 1, media controls and a visualizer (spectrograph.)) Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teaching of Piroumian and jlGui so as to provide audio-visual data controlled by menu controls. One would have been motivated to combine the teaching of jlGui into Piroumian because jlGui uses the same Java Foundation Classes (JFC) as those used in examples in Piroumian without expounding on further the capabilities allowed by JFC (javax.sound package) as is shown in jlGui.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-12 have been fully considered but are not persuasive.

6. Applicant's argument that "enablement of a button is not construed as affecting the selectability of that button" has been fully considered but is not persuasive.

Piroumian bases the book Java GUI on Java Foundation Classes (JFC) defined at that time on the latest release, version 2 of the Java Development Kit (See pages 16-17.)

Included material from the Sun Microsystems API (Java™ 2 Platform, Standard Edition, v1.2.2 API Specification, Copyright 1993-1999) further elaborates the inherent features of what is meant by setEnabled function: "An enabled component can respond to user input and generate events" (page 16 of 59) a function that is inherited by JMenuItem from java.awt.Component (page 5 of 13.) Disabled component cannot respond to user



input, and therefore is not selectable. As such, setting an enablement of a button indicates an inherent value of selectability that can set.

7. Applicant's argument that "Piroumian does not show 'non-selectable and visible display data, wherein the second menu items have graphic representation data associated'" has been fully considered but is not persuasive. Fig. 7.14 and likewise 7.15 draw to the same separator element (menu1.addSeparator()) which is shown in figure 7.14 as a graphical line between the first three menu items 1-3 and the Nested Menu. Likewise it is shown in Fig. 7.15, between the first three check box items 1-3 and the three radio buttons 1-3.

8. Applicant's argument that "Piroumian does not show 'selectable and invisible menu items', as defined in the claims" has been fully considered but is not persuasive. A reference to the no-arg constructor on page 232 is to indicate that a JMenu item can be constructed without further adding it to a frame such that those components would be packed (pg. 228) and then setVisible (pg. 228.) A component, such as a JMenu item that is not added to be setVisible would still nonetheless be constructed but would only have logical and not visible representation. Alternatively, jdk 1.2 as included material from the Sun Microsystems API also indicates that it is inherent within the boundaries of Piroumian which includes and details some but not all of the API, a function of setVisible (page 5 of 13) that is inherited from JComponent, which makes the component visible or invisible (page 9 of 42.) In another Alternative, Fig. 7.14 and 7.15 display Menu1 and Menu2 tabs that show menu items as a result of user action to make them visible (menu drop down.) However, user action none withstanding, the menu items are otherwise

invisible, such as any menu items in "Menu 2" and "Menu 3" of Fig. 7.14 and in "Menu 1" and "Menu 3" in Fig. 7.15.

9. Applicant's argument that jIGUI reference does not support the limitations of claim 5 and 6 has been fully considered but is no persuasive. Cited jIGUI reference indicates a Java Music Player with a screenshot of the player showing play, pause and stop buttons which when actuated would play, pause or stop the music from the playlist shown just below.

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Belousov whose telephone number is (571) 270-1695. The examiner can normally be reached on Mon-Fri (alternate Fri off) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven P Sax/  
Primary Examiner, Art Unit 2174

AB  
August 2, 2008

